Application No.: 10/712,305

REMARKS

The indication of allowable subject matter in claims 1, 2, 4, 10, 12 and 14-25 is acknowledged and appreciated. In view of the following remarks, it is respectfully submitted that all claims are in condition for allowance.

Claim 3 is the sole independent claim rejected and stands rejected under 35 U.S.C. § 102 as being anticipated by Brown. This rejection is respectfully traversed for the following reasons.

The Examiner maintains the pending rejection based on the allegation that "[c]ontinuous repolarization is the same as a repolarization circuit since poling is not instantaneous-it depends on both time and temperature for example." In order to obtain clarification of the Examiner's position, Applicants' representative contacted the Examiner to conduct a telephone interview. Applicants and Applicants' representative would like to thank Examiner Budd for his courtesy in conducting the interview and for his assistance in resolving issues.

During the interview, the Examiner asserted that although Brown is specifically configured to prevent depolarization rather than affirmatively repolarizing using a polarization recovery voltage, Brown's maintenance of the polarization level inherently embodies repolarization in that small decreases in polarization necessarily occur in Brown whereby the bias current is used to "recover" those small decreases in polarization. In this regard, the Examiner alleged that the bias current in Brown reads on the claimed "polarization recovery voltage" and the AC supply reads on the claimed "position control voltage" with respect to Figures 8-9 of Brown.

However, claim 3 recites in pertinent part, "polarization recovery voltage ***for recovering from deterioration of polarization***." Contrary to the Examiner's assertion, there is no deterioration of polarization in Brown as expressly described therein. Specifically, Brown is specifically configured to prevent any deterioration of polarization, including any inherent small decreases referenced by the Examiner. In this regard, Brown expressly discloses that "the net voltage cross each of the elements 160 and 162 ***always*** has a polarity which is in the poling direction of elements" (col. 15, lines 1-3) so that there is never any absolute negative voltage applied to the elements. Indeed, the bias prevents depolarization ***before*** it can happen in even the smallest amount, and therefore never functions to recover deterioration of polarization. As shown in Figure 8b, Brown does this by applying DC bias equal to Vmax/2 to the elements, where Vmax is the peak to peak amplitude of the ***largest*** deflection signal which will be applied to the elements, so that depolarization will never occur in the device of Brown.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Brown does not anticipate claim 3, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 3 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In

addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MWE
Facsimile: 202.756.8087
Date: December 1, 2005

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